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IMPORTANT ADDRESSES

Mail application and a photocopy of fee payment to:	U.S. Environmental Protection Agency OPPTS (MC 74040, WSM ET 835) LBP Activities Accred/Cert. Request 1200 Pennsylvania Avenue, NW Washington, DC 20460
Mail a check or money order for the fees to:	U.S. Environmental Protection Agency Washington Financial Management Center Lead Program User Fees P.O. Box 360277M Pittsburgh, PA 15251

(Note: These addresses do not accept overnight or next day delivery.)

INSTRUCTIONS FOR INDIVIDUALS APPLYING FOR CERTIFICATION TO CONDUCT LEAD-BASED PAINT ACTIVITIES

Fees Schedule

Discipline	Certification Fee	Re-certification Fee [every 3 or 5 years, see 40 CFR 745.226(e)(1)]
Inspector	\$400	\$350
Supervisor	\$470	\$390
Risk Assessor	\$520	\$420
Project Designer	\$470	\$390
Abatement Worker*	\$280	\$240
Certification examination fee	\$70 for each attempt	
Multi Jurisdictional Certification***	\$35 per discipline for each additional EPA-run state, U.S. territory, and/or Indian tribal land(s) in any one Region**	
Lost Identification Card	\$15	

* If applying for courses in languages other than English, please attach other sheets.

**An EPA-run jurisdiction includes an EPA-run state, U.S. territory, or all Indian tribal land(s) in any one Region.

***Multi-jurisdictional certification applies to an applicant applying in more than one Jurisdiction.

(Note: Fee examples are included on page 17 of this booklet.)

Instructions for Individuals Applying for Certification to Conduct Lead-Based Paint Activities

You may apply to the U.S. Environmental Protection Agency (EPA) to be certified to conduct lead-based paint activities as an **Inspector, Supervisor, Risk Assessor, Project Designer, or Abatement Worker** in states, U.S. territories, and Indian tribal lands where EPA implements the lead-based paint certification program. If EPA does not administer the certification program in an area where you wish to work, you must apply directly to that state, territory, or Indian tribe for certification.

These instructions supplement EPA form 8500-28, *Application for Individuals to Conduct Lead-Based Paint Activities*.

WHAT YOU NEED TO APPLY

If your application is incomplete, EPA will not process your application. If any components of your application are missing, your application will become inactive for a period not to exceed 30 days until the application is made complete. If the application is not made complete, EPA will return the application package. You may apply again with a complete package. Please call 1-800-424-LEAD to see if your application is complete.

You can be certified by EPA if you either:

1. Are certified to conduct lead-based paint activities by an authorized state, U.S. territory, or Indian Tribe; or
2. Successfully complete an accredited training course and other regulatory requirements.

Specific Application Requirements

3. To apply for certification from EPA if you are currently certified by an authorized state, U.S. territory, or Indian tribe, you must:
 - Complete, sign, and date EPA form 8500-28.

- Submit two identical passport-sized photographs of you alone. Photographs should be:
 - < Recent enough to be a good likeness (taken within the last 6 months);
 - < Clear with a front view of your face taking up the majority of the area; hats or dark glasses are not acceptable;
 - < Focused on your head and shoulders; and
 - < Printed on photo paper with dimensions of 2 x 2 inches; digital or retouched images are not acceptable.
 - Enclose a copy of your valid certification from an authorized state, U.S. territory, or Indian tribe, highlighting the certification expiration date, if applicable.
 - Calculate the appropriate fee using the fees schedule listed on the inside front cover.
 - Mail a check or money order for the fees to the EPA address in Pittsburgh, PA listed on the inside front cover.
 - Separately mail the completed application and a photocopy of the check or money order to EPA Headquarters in Washington, D.C. and include "Lead Program User Fees" on the payment stub (see address listed on the inside front cover).
2. To apply for certification from EPA if you have successfully completed an EPA-accredited training course:
 - Complete, sign, and date EPA form 8500-28.
 - Submit two identical passport-sized photographs of you alone. Photographs should be:
 - < Recent enough to be a good likeness (taken within the last 6 months);
 - < Clear with a front view of your face taking up the majority of the area; hats or dark glasses are not acceptable;
 - < Focused on your head and shoulders ; and
 - < Printed on photo paper with dimensions of 2 x 2 inches; digital or retouched images are not acceptable.

- Calculate the appropriate fee using the fees schedule listed on the inside front cover.
- Mail a check or money order for the fees to the EPA address in Pittsburgh, PA listed on the inside front cover.
- Separately mail the completed application and a photocopy of the check or money order to EPA Headquarters in Washington, D.C. (see address listed on the inside front cover).

Discipline-specific Requirements

The information you must submit depends on the discipline(s) for which you seek certification. The following table identifies these requirements.

Discipline	Application Sections	Required Documentation
Inspector	A, B, C, G, H, and I	<ul style="list-style-type: none"> • Valid course completion certificate
Supervisor	A, B, C, D, G, H, and I	<ul style="list-style-type: none"> • Valid course completion certificate • Resume(s), letters of reference, etc.
Risk Assessor	<u>All</u> sections	<ul style="list-style-type: none"> • Valid course completion certificate • Resume(s), letters of reference, etc. • Official high school diploma or college transcript • Professional certification(s)
Project Designer	A, B, C, D, E, G, H, and I	<ul style="list-style-type: none"> • Valid course completion certificate • Resume(s), letters of reference, etc. • Official college transcript
Abatement Worker	A, B, C, G, H, and I	<ul style="list-style-type: none"> • Valid course completion certificate

Re-certification

If you completed an accredited training course with a course test and, if applicable, a hands-on assessment, you must be re-certified every three years. If you completed an accredited course that included a proficiency test, you must be re-certified every five years (all disciplines except Project Designer). To be re-certified before your current certification expires, you must submit your renewal application no later than 90 days before the expiration date.

For re-certification, complete only sections A (Type of Certification Requested), B (Applicant Information), E (Experience and Education, if applicable), and H (Signature) of the application. Complete other sections, as needed, to update the information.

Amended Application

Amended applications need to be sent to EPA Headquarters in Washington D.C. EPA will distribute the amended information to the appropriate regional offices.

Replacement of a Lost Identification Card

To replace a lost identification card, complete only sections A (Type of Certification Requested), B (Applicant Information), and H (Signature) of the application. Also submit two recent, identical passport-sized photographs that meet the criteria outlined on the application.

FEES

The fees for applying for certification are listed on the inside front cover. It is important that you:

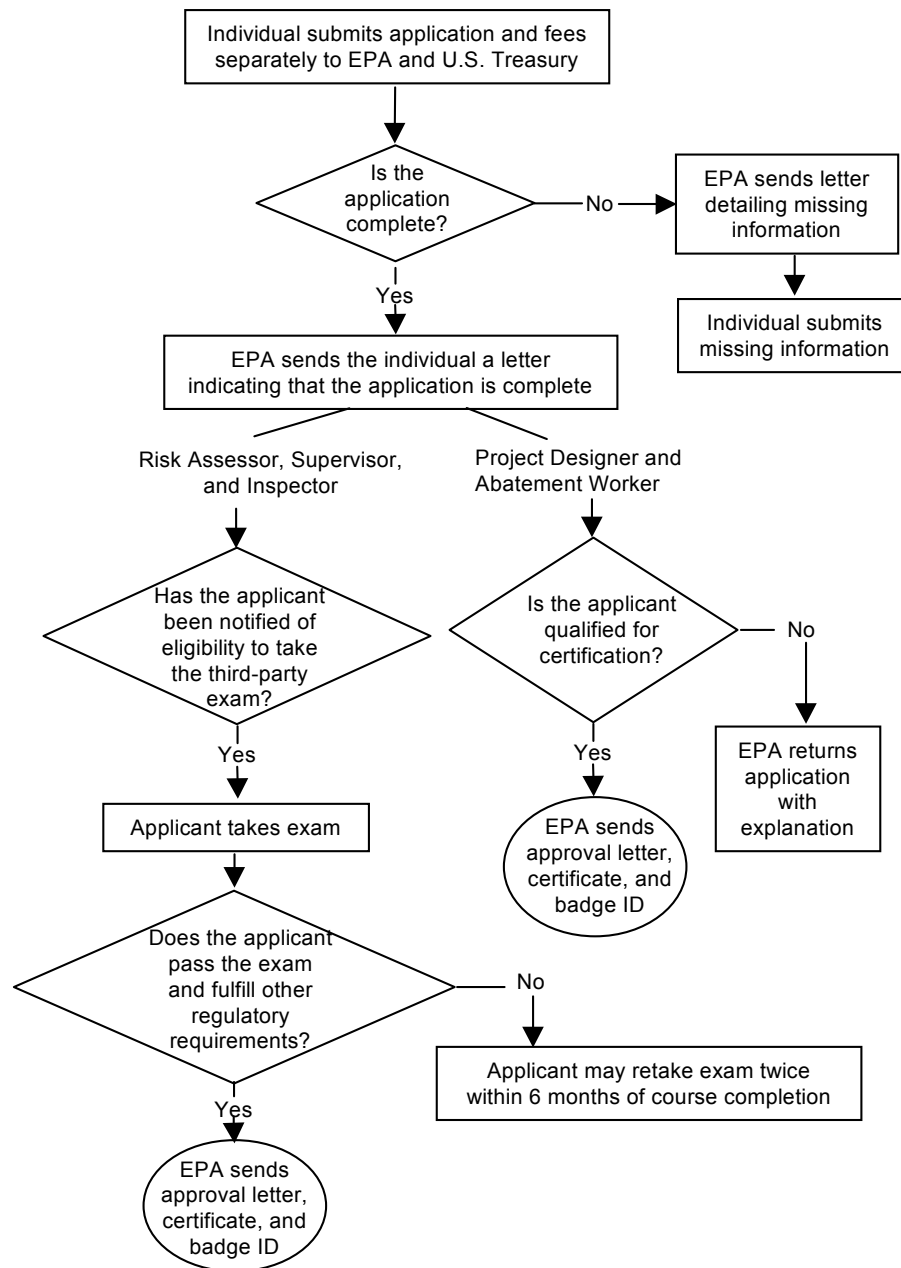
- Calculate fees based on the number of disciplines and the number of jurisdictions in which you plan to work.
- If applying for certification for multiple Indian tribal lands:

- < Submit one \$35 fee for all Tribes in each EPA Region.
- If you are applying for certification in more than one discipline, include a list of the disciplines and jurisdictions with your fees.
- Write the total fee in section A of the application, even if you attach sheets of paper listing additional states, U.S. Territories, or Indian tribal lands.
- For more efficient processing, enclose the exam fee (if applicable) with the certification fee.
- Make the check or money order payable to **U.S. Environmental Protection Agency**
- Write "*Lead Program User Fees*" on your check or money order.
- Send fees to U.S. EPA Washington Financial Management Center address (see inside front cover).
- Enclose a photocopy of the check or money order with the application and send with the application to the Washington, D.C. address on the inside front cover.

THE CERTIFICATION PROCESS

EPA processes applications on a first-come first-served basis. Your course completion certificate will serve as interim certification for six months. If the application process is not completed within 6 months of your course completion, the initial training must be retaken and the application process restarted. Make sure to allow enough time for your application to be processed. If you are applying for supervisor, inspector, or risk assessor certification, you must pass a 3rd party exam and receive certification from EPA before the expiration date on your interim certification. If you do not complete these activities before the expiration date, you cannot conduct lead-based paint activities. The following flowchart depicts the certification process.

THE CERTIFICATION PROCESS



40 CFR Part 745

Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities

§ 745.226 Certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities.

- (a) Certification of individuals.** (1) Individuals seeking certification by EPA to engage in lead-based paint activities must either:
- (i) Submit to EPA an application demonstrating that they meet the requirements established in paragraphs (b) or (c) of this section for the particular discipline for which certification is sought; or
 - (ii) Submit to EPA an application with a copy of a valid lead-based paint activities certification (or equivalent) from a State or Tribal program that has been authorized by EPA pursuant to subpart Q of this part.
- (2) Individuals may first apply to EPA for certification to engage in lead-based paint activities pursuant to this section on or after March 1, 1999.
- (3) Following the submission of an application demonstrating that all the requirements of this section have been met, EPA shall certify an applicant as an inspector, risk assessor, supervisor, project designer, or abatement worker, as appropriate.
- (4) Upon receiving EPA certification, individuals conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as established in § 745.227.
- (5) It shall be a violation of TSCA for an individual to conduct any of the lead-based paint activities described in § 745.227 after August 30, 1999, if that individual has not been certified by EPA pursuant to this section to do so.
- (b) Inspector, risk assessor or supervisor.** (1) To become certified by EPA as an inspector, risk assessor, or supervisor, pursuant to paragraph (a)(1)(i) of this section, an individual must:
- (i) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.
 - (ii) Pass the certification exam in the appropriate discipline offered by EPA; and,
 - (iii) Meet or exceed the following experience and/or education requirements:
 - (A) Inspectors. (1) No additional experience and/or education requirements.
 - (2) [Reserved]
 - (B) Risk assessors. (1) Successful completion of an accredited training course for inspectors; and
 - (2) Bachelor's degree and 1 year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction), or an Associates degree and 2 years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or (3) Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist); or
 - (4) A high school diploma (or equivalent), and at least 3 years of experience in a related field (e.g., lead, asbestos, environmental remediation work or construction).
- (c) Supervisor:** (1) One year of experience as a certified lead-based paint abatement worker; or
- (2) At least 2 years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.
- (2) The following documents shall be recognized by EPA as evidence of meeting the requirements listed in (b)(2)(ii) of this paragraph:

- (i) Official academic transcripts or diploma, as evidence of meeting the education requirements.
 - (ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.
 - (iii) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.
- (3) In order to take the certification examination for a particular discipline an individual must:
- (i) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.
 - (ii) Meet or exceed the education and/or experience requirements in paragraph (b)(1)(iii) of this section.
 - (4) The course completion certificate shall serve as interim certification for an individual until the next available opportunity to take the certification exam. Such interim certification shall expire 6 months after issuance.
 - (5) After passing the appropriate certification exam and submitting an application demonstrating that he/she meets the appropriate training, education, and/or experience prerequisites described in paragraph (b)(1) of this section, an individual shall be issued a certificate by EPA. To maintain certification, an individual must be re-certified as described in paragraph (e) of this section.
 - (6) An individual may take the certification exam no more than three times within 6 months of receiving a course completion certificate.
 - (7) If an individual does not pass the certification exam and receive a certificate within 6 months of receiving his/her course completion certificate, the individual must retake the appropriate course from an accredited training program before reapplying for certification from EPA.
- (c) Abatement worker and project designer.** (1) To become certified by EPA as an abatement worker or project designer, pursuant to paragraph (a)(1)(i) of this section, an individual must:
- (i) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.
 - (ii) Meet or exceed the following additional experience and/or education requirements:
 - (A) Abatement workers. (1) No additional experience and/or education requirements.
 - (2) [Reserved]
 - (B) Project designers. (1) Successful completion of an accredited training course for supervisors.
 - (2) Bachelor's degree in engineering, architecture, or a related profession, and 1 year of experience in building construction and design or a related field; or
 - (3) Four years of experience in building construction and design or a related field.
- (2) The following documents shall be recognized by EPA as evidence of meeting the requirements listed in this paragraph:
- (i) Official academic transcripts or diploma, as evidence of meeting the education requirements.
 - (ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.
 - (iii) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.
- (3) The course completion certificate shall serve as an interim certification until certification from EPA is received, but shall be valid for no more than 6 months from the date of completion.
- (4) After successfully completing the appropriate training courses and meeting any other qualifications described in paragraph (c)(1) of this section, an individual shall be issued a certificate from EPA. To maintain certification, an individual must be re-certified as described in paragraph (e) of this section.

(d) Certification based on prior training. (1) Any individual who received training in a lead-based paint activity between October 1, 1990, and March 1, 1999 shall be eligible for certification by EPA under the alternative procedures contained in this paragraph.

Individuals who have received lead-based paint activities training at an EPA-authorized State or Tribal accredited training program shall also be eligible for certification by EPA under the following alternative procedures:

(i) Applicants for certification as an inspector, risk assessor, or supervisor shall:

(A) Demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity.

(B) Demonstrate that the applicant meets or exceeds the education and/or experience requirements in paragraph (b)(1)(iii) of this section.

(C) Successfully complete an accredited refresher training course for the appropriate discipline.

(D) Pass a certification exam administered by EPA for the appropriate discipline.

(ii) Applicants for certification as an abatement worker or project designer shall:

(A) Demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity.

(B) Demonstrate that the applicant meets the education and/or experience requirements in paragraphs (c)(1) of this section; and (C) Successfully complete an accredited refresher training course for the appropriate discipline.

(2) Individuals shall have until August 30, 1999 to apply to EPA for certification under the above procedures. After that date, all individuals wishing to obtain certification must do so through the

procedures described in paragraph (a), and paragraph (b) or (c) of this section, according to the discipline for which certification is sought.

(e) Re-certification. (1) To maintain certification in a particular discipline, a certified individual shall apply to and be re-certified by EPA in that discipline by EPA either:

(i) Every 3 years if the individual completed a training course with a course test and hands-on assessment; or

(ii) every 5 years if the individual completed a training course with a proficiency test.

(2) An individual shall be re-certified if the individual successfully completes the appropriate accredited refresher training course and submits a valid copy of the appropriate refresher course completion certificate.

(g) Suspension, revocation, and modification of certifications of individuals engaged in lead-based paint activities. (1) EPA may, after notice and opportunity for hearing, suspend, revoke, or modify an individual's certification if an individual has:

(i) Obtained training documentation through fraudulent means.

(ii) Gained admission to and completed an accredited training program through misrepresentation of admission requirements.

(iii) Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.

(iv) Performed work requiring certification at a job site without having proof of certification.

(v) Permitted the duplication or use of the individual's own certificate by another.

(vi) Performed work for which certification is required, but for which appropriate certification has not been received.

(vii) Failed to comply with the appropriate work practice standards for lead-based paint activities at § 745.227.

(viii) Failed to comply with Federal, State, or local lead-based paint statutes or regulations.

(2) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

(i) Procedures for suspension, revocation, or modification of the certification of individuals or firms.

(1) If EPA decides to suspend, revoke, or modify the certification of any individual or firm, it shall notify the affected entity in writing of the following:

(i) The legal and factual basis for the suspension, revocation, or modification.

(ii) The commencement date and duration of the suspension, revocation, or modification.

(iii) Actions, if any, which the affected entity may take to avoid suspension, revocation, or modification or to receive certification in the future.

(iv) The opportunity and method for requesting a hearing prior to final EPA action to suspend, revoke, or modify certification.

(v) Any additional information, as appropriate, which EPA may provide.

(2) If a hearing is requested by the certified individual or firm, EPA shall:

(i) Provide the affected entity an opportunity to offer written statements in response to EPA's assertion of the legal and factual basis and any other explanations, comments, and arguments it deems relevant to the proposed action.

(ii) Provide the affected entity such other procedural opportunities as EPA may deem appropriate to ensure a fair and impartial hearing.

(iii) Appoint an official of EPA as Presiding Officer to conduct the hearing. No person shall serve as Presiding Officer if he or she has had any prior connection with the specific matter.

(3) The Presiding Officer shall:

(i) Conduct a fair, orderly, and impartial hearing within 90 days of the request for a hearing;

(ii) Consider all relevant evidence, explanation, comment, and argument submitted; and

(iii) Notify the affected entity in writing within 90 days of completion of the hearing of his or her decision and order. Such an order is a final EPA action subject to judicial review.

(4) If EPA determines that the public health, interest, or welfare warrants immediate action to suspend the certification of any individual or firm prior to the opportunity for a hearing, it shall:

(i) Notify the affected entity of its intent to immediately suspend certification for the reasons listed in paragraph (h)(1) of this section. If a suspension, revocation, or modification notice has not previously been issued, it shall be issued at the same time the immediate suspension notice is issued.

(ii) Notify the affected entity in writing of the grounds upon which the immediate suspension is based and why it is necessary to suspend the entity's accreditation before an opportunity for a hearing to suspend, revoke, or modify the individual's or firm's certification.

(iii) Notify the affected entity of the commencement date and duration of the immediate suspension.

(iv) Notify the affected entity of its right to request a hearing on the immediate suspension within 15 days of the suspension taking place and the procedures for the conduct of such a hearing.

(5) Any notice, decision, or order issued by EPA under this section, transcript or other verbatim record of oral testimony, and any documents filed by a certified individual or firm in a hearing under this section shall be available to the public, except as otherwise provided by section 14 of TSCA or by part 2 of this title. Any such hearing at which oral testimony is presented shall be open to the public, except that the Presiding Officer may exclude the public to the extent necessary to allow presentation of information which may be entitled to confidential treatment under section 14 of TSCA or part 2 of this title.

§ 745.227 Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities.

(a) Effective date, applicability, and terms.

(1) Beginning on March 1, 1999, all lead-based paint activities shall be performed pursuant to the work practice standards contained in this section.

(2) When performing any lead-based paint activity described by the certified individual as an inspection, lead-hazard screen, risk assessment or abatement, a certified individual must perform that activity in compliance with the appropriate requirements below.

(3) Documented methodologies that are appropriate for this section are found in the following: The U.S. Department of Housing and Urban Development (HUD) Guidelines for Evaluation and Control of Lead-Based Paint Hazards in Housing; the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil; the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001); Regulations, guidance, methods or protocols issued by States and Indian Tribes that have been authorized by EPA; and other equivalent methods and guidelines.

(4) Clearance levels are appropriate for the purposes of this section may be found in the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil or other equivalent guidelines.

(b) Inspection.

(1) An inspection shall be conducted only by a person certified by EPA as an inspector or risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.

(2) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

(i) In a residential dwelling and child-occupied facility, each component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and

(ii) In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.

(3) Paint shall be sampled in the following manner:

(i) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures and/or

(ii) All collected paint chip samples shall be analyzed according to paragraph (f) of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(4) The certified inspector or risk assessor shall prepare an inspection report which shall include the following information:

(i) Date of each inspection.

(ii) Address of building.

(iii) Date of construction.

(iv) Apartment numbers (if applicable).

(v) Name, address, and telephone number of the owner or owners or each residential dwelling or child-occupied facility.

(vi) Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.

(vii) Name, address, and telephone number of the certified firm employing each inspector and/or risk assessor, if applicable.

(viii) Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device.

(ix) Specific locations of each painted component tested for the presence of lead-based paint.

(x) The results of the inspection expressed in terms appropriate to the sampling method used.

(c) Lead hazard screen.

(1) A lead hazard screen shall be conducted only by a person certified by EPA as a risk assessor.

(2) If conducted, a lead hazard screen shall be conducted as follows:

(i) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.

(ii) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

(A) Determine if any deteriorated paint is present, and

(B) Locate at least two dust sampling locations.

(iii) If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

(iv) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways or stairwells where one or more children, age 6 and under, are most likely to come in contact with dust.

(v) In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph (c)(1)(iii) of this section, the risk assessor shall also collect composite dust samples from common areas where one or more children, age 6 and under, are most likely to come into contact with dust.

(3) Dust samples shall be collected and analyzed in the following manner:

(i) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

(ii) All collected dust samples shall be analyzed according to paragraph (f) of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(4) Paint shall be sampled in the following manner:

(i) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or

(ii) All collected paint chip samples shall be analyzed according to paragraph (f) of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(5) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

(i) The information required in a risk assessment report as specified in paragraph (d) of this section, including paragraphs (d)(11)(i) through (d)(11)(xiv), and excluding paragraphs (d)(11)(xv) through (d)(11)(xviii) of this section. Additionally, any background information collected pursuant to paragraph (c)(2)(i) of this section shall be included in the risk assessment report; and

(ii) Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.

(d) Risk assessment.

(1) A risk assessment shall be conducted only by a person certified by EPA as a risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.

(2) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.

(3) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.

- (4) Each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead. Each other surface determined, using documented methodologies, to be a potential lead-based paint hazard and having a distinct painting history, shall also be tested for the presence of lead.
- (5) In residential dwellings, dust samples (either composite or single-surface samples) from the window and floor shall be collected in all living areas where one or more children, age 6 and under, are most likely to come into contact with dust.
- (6) For multi-family dwellings and child-occupied facilities, the samples required in paragraph (d)(4) of this section shall be taken. In addition, window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:
- (i) Common areas adjacent to the sample residential dwelling or child-occupied facility; and
 - (ii) Other common areas in the building where the risk assessor determines that one or more children, age 6 and under, are likely to come into contact with dust.
- (7) For child-occupied facilities, window and floor dust samples (either composite or single-surface samples) shall be collected in each room, hallway or stairwell utilized by one or more children, age 6 and under, and in other common areas in the child-occupied facility where the risk assessor determines one or more children, age 6 and under, are likely to come into contact with dust.
- (8) Soil samples shall be collected and analyzed for lead concentrations in the following locations:
- (i) Exterior play areas where bare soil is present; and
 - (ii) Dripline/foundation areas where bare soil is present.
- (9) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.
- (10) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph (f) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
- (11) The certified risk assessor shall prepare a risk assessment report which shall include the following information:
- (i) Date of assessment.
 - (ii) Address of each building.
 - (iii) Date of construction of buildings.
 - (iv) Apartment number (if applicable).
 - (v) Name, address, and telephone number of each owner of each building.
 - (vi) Name, signature, and certification of the certified risk assessor conducting the assessment.
 - (vii) Name, address, and telephone number of the certified firm employing each certified risk assessor if applicable.
 - (viii) Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
 - (ix) Results of the visual inspection.
 - (x) Testing method and sampling procedure for paint analysis employed.
 - (xi) Specific locations of each painted component tested for the presence of lead.
 - (xii) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
 - (xiii) All results of laboratory analysis on collected paint, soil, and dust samples.
 - (xiv) Any other sampling results.
 - (xv) Any background information collected pursuant to paragraph (d)(3) of this section.
 - (xvi) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.

- (xvii) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.
- (xviii) A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.
- (e) Abatement. (1) An abatement shall be conducted only by an individual certified by EPA, and if conducted, shall be conducted according to the procedures of this paragraph.
- (2) A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in no more than 2 hours.
- (3) The certified supervisor and the certified firm employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of this section and all other Federal, State and local requirements.
- (4) Notification of the commencement of lead-based paint abatement activities in a residential dwelling or child-occupied facility or as a result of a Federal, State, or local order shall be given to EPA prior to the commencement of abatement activities. The procedure for this notification will be developed by EPA prior to August 31, 1998.
- (5) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
- (i) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
 - (ii) A certified supervisor or project designer shall prepare the occupant protection plan.
- (6) The work practices listed below shall be restricted during an abatement as follows:
- (i) Open-flame burning or torching of lead-based paint is prohibited;
 - (ii) Machine sanding or grinding or abrasive blasting or sandblasting lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control which removes particles or 0.3 microns or larger from the air at 99.97 percent or greater efficiency;
 - (iii) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than 2 square feet in any one room, hallway or stairwell or totaling no more than 20 square feet on exterior surfaces; and
 - (iv) Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.
- (7) If conducted, soil abatement shall be conducted in one of the following ways:
- (i) If soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated; or
 - (ii) If soil is not removed, the lead-contaminated soil shall be permanently covered, as defined in § 745.223.
- (8) The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor:
- (i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(ii) Following the visual inspection and any post-abatement cleanup required by paragraph (e)(8)(i) of this section, clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(iii) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(iv) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities.

(v) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(B) After conducting an abatement with no containment, two dust samples shall be taken from no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.

(C) Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable Federal, State and local requirements.

(vi) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

(vii) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each dust sample with applicable clearance levels for lead in dust on floors and windows. If the residual lead levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met.

(9) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

(i) The certified individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.

(ii) A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than 5 percent or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.

(iii) The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in paragraph (e)(8) of this section.

(10) An abatement report shall be prepared by a certified supervisor or project designer.

The abatement report shall include the following information:

(i) Start and completion dates of abatement.

(ii) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project.

(iii) The occupant protection plan prepared pursuant to paragraph (e)(5) of this section.

(iv) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.

(v) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses.

(vi) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

(f) Collection and laboratory analysis of samples. Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:

(1) Collected by persons certified by EPA as an inspector or risk assessor; and

(2) Analyzed by a laboratory recognized by EPA pursuant to section 405 (b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

(g) Composite dust sampling. Composite dust sampling may only be conducted in the situations specified in paragraphs (c) through (e) of this section. If such sampling is conducted, the following conditions shall apply:

(1) Composite dust samples shall consist of at least two subsamples;

(2) Every component that is being tested shall be included in the sampling; and

(3) Composite dust samples shall not consist of subsamples from more than one type of component.

(h) Recordkeeping. All reports or plans required in this section shall be maintained by the certified firm or individual who prepared the report for no fewer than 3 years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services.

FEE EXAMPLES

- 1) If applying for initial Risk Assessor certification in one state:

Initial Risk Assessor certification fee	\$ 520
Third-party exam fee for Risk Assessor	\$ 70
Total Amount Due:	\$ 590

- 2) If applying for initial Risk Assessor and initial Abatement Worker certifications in two states:

Initial Risk Assessor certification fee	\$ 520
Third-party exam fee for Risk Assessor	\$ 70
Initial Worker certification fee (no exam fee)	\$ 280
One additional state fee* (2 disciplines)	\$ 70
Total Amount Due:	\$ 940

- 3) If applying for initial Project Designer and initial Supervisor certifications in two states and all Indian Tribes in one Region:

Initial Project Designer certification fee (no exam fee)	\$ 470
Initial Supervisor certification fee	\$ 470
Third-party exam fee for Supervisor	\$ 70
One additional state fee* (2 disciplines)	\$ 70
All Indian Tribes in one Region fee* (2 disciplines)	\$ 70
Total Amount Due:	\$ 1150

* Each certification request includes the fee for one EPA-run jurisdiction.

EPA's Lead-Based Paint Activities Certification Refund Policy

Individuals having submitted an application and associated fees for certification or re-certification who wish to withdraw their application prior to Agency approval will receive a fee refund based upon the schedule listed below.

Individuals must notify the Agency in writing in order to qualify for a refund. The date of withdrawal is the date on which the Agency received the withdrawal notification.

There will be no refund of fees after the Agency has granted an applicant certification in a particular discipline. Refunds are not available for certification examination fees, or the replacement of an identification card or certificate. Refunds will only be granted on a per discipline basis. Therefore, an individual must withdraw their application for a particular discipline in all the states and tribes for which they applied.

The percentage of fees refunded is based on the following chart:

Number of Days Following Agency Receipt of Application	Percent Reimbursable (based upon total fees submitted for a particular discipline)
up to 10 days	100%
11 to 60 days	75%
61 to 120 days	50%
121 or more days	25%

Note: Refunds will only be made after EPA verification of fee receipt and deposit by the U.S. Treasury.

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